

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE DEBRA A. SIMONELLI,

Debtor.

HOLT CONSTRUCTION CORP., a New York corporation,

Plaintiff,

v.

DEBRA A. SIMONELLI,

Defendant.

Chapter 13

Bankr. Case No.: **08-34602-RG**

Adv. Proceeding No.: **09-1413-RTL**

HEARING DATE AND TIME:

Monday, May 10, 2010 at 10 A.M.

ORAL ARGUMENT REQUESTED
IF OPPOSITION FILED

**NOTICE OF DEBTOR'S MOTION FOR AN ORDER (A) *IN LIMINE*
SANCTIONING AND EXCLUDING EVIDENCE OBTAINED IN VIOLATION
OF DISCOVERY RULES, AND (B) EXTENDING AUTOMATIC STAY
TO NON-DEBTOR ENTITIES FRANCES STEEL CONSTRUCTION, INC.
AND STUDIO ASSOCIATES, INC.**

TO: Michael E. Catania, Esq.
TARSHIS, CATANIA, LIBERTH,
MAHON & MILLIGRAM, PLLC
One Corwin Court, P.O. Box 1479
Newburgh, New York 12550
Attorneys for Plaintiff

Marie-Ann Greenberg
CHAPTER 13 STANDING TRUSTEE
30 Two Bridges Road, Suite 330
Fairfield, New Jersey 07004

OFFICE OF THE UNITED STATES TRUSTEE
One Newark Center
Newark, New Jersey 07102

PLEASE TAKE NOTICE that on May 10, 2010 at 10 o'clock in the forenoon, or as soon thereafter as counsel may be heard, Debra A. Simonelli, the above-captioned

Chapter 13 debtor (the “Debtor” or the “Moving Party”), by and through her counsel, Dawn R. SanFilippo, Esq. P.C. (Dawn R. SanFilippo, Esq., appearing), will move pursuant to Sections 105 and 362(a) of Title 11 of the United States Code, and Rules 7037, 9013 and 9016 of the Federal Rules of Bankruptcy Procedure, *inter alia*, before the Honorable Raymond T. Lyons, United States Bankruptcy Judge, located at the United States Courthouse, 2nd floor, 402 East State Street in Trenton, New Jersey, seeking the entry of an Order excluding documentary and testamentary evidence obtained by subpoenas external to this proceeding and in violation of the automatic stay provisions of section 362 of the Bankruptcy Code; and extending the automatic stay to non-debtor New Jersey corporate entities Frances Steel Construction, Inc. and Studio Associates, Inc.

PLEASE TAKE FURTHER NOTICE that in support of the within Motion, the Debtor shall rely on the accompanying Brief and Affirmation of Dawn R. SanFilippo, Esq., which set forth the relevant factual and legal bases upon which the requested relief should be granted.

PLEASE TAKE FURTHER NOTICE that, pursuant to D.N.J. LBR 9013-1(a), a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that pursuant to D.N.J. LBR 9013-1(f), oral argument is waived unless an objection to this motion is timely filed. Unless objections are timely filed and served, the motion shall be deemed uncontested in accordance with D.N.J. LBR 9013-1(a) and the relief requested may be granted without further notice or hearing.

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Attorneys for Debra A. Simonelli

By: /s/Dawn R. SanFilippo
DAWN R. SANFILIPPO, ESQ.

Dated: April 19, 2010
Cedar Grove, N.J.